

## REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed September 29, 2003. Claims 21 – 35 are pending in the present application. Applicants have canceled claims 1 – 20 and added new claims 21 – 25. Reconsideration and allowance of the application and pending claims 21 – 35 are respectfully requested.

I. Claims 21 – 35 are Patentable Over U.S. Patent No. 6,116,063 in View of U.S. Patent No. 6,480,391

The Office Action rejects claims 1 - 20 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent 6,116,063 to Foslien (“the ‘063 patent”) in view of U.S. Patent 6,480,391 to Monson *et al.* (“the ‘391 patent”). This rejection is rendered moot because Applicants canceled claims 1 – 20. Furthermore, Applicants submit that new claims 21 – 35 are patentable over the ‘063 patent and the ‘391 patent for at least the reason that both the ‘063 patent and the ‘391 patent fail to disclose, teach, or suggest all of the limitations/features/elements of claims 21 - 35. Accordingly, Applicants respectfully request that claims 21 – 35 be allowed.

In this regard, Applicants note that new independent claims 21 and 30 include limitations/features/elements that are not disclosed, taught, or suggested by either the ‘063 patent or the ‘391 patent. Specifically, independent claims 21 and 30 recite the limitations/features/elements of a ***data exchange device*** for reading data from the data media and a ***media handling system*** for transferring data media from the media storage device to the data exchange device. Applicants respectfully submit that neither the ‘063 patent nor the ‘391 patent disclose, teach, or suggest the limitations/features/elements of a data exchange device or a media handling system as recited in new independent claims 21 and 30.

Furthermore, Applicants note that independent claims 21 and 35 include additional

limitations/features/elements that are not disclosed, taught, or suggested by either the '063 patent or the '391 patent. Specifically, independent claim 21 recites that "the *media storage device* may be inserted and removed by slidably engaging the first elongate reference rail and the first elongate alignment groove." Independent claim 30 recites "means for slidably inserting and removing the *media storage device*." These recitations are not taught in the cited references.

Furthermore, Applicants note that the media storage device claimed in new independent claims 21 and 30 recite "a media storage *device for storing a plurality of data media*." Such limitations are not taught in the cited references. Applicants note that the '391 patent merely teaches the feature of the direct access storage device (DASD) 95, or *disk drive*, being inserted into the storage cage 10 -- NOT the claimed *media storage device for storing a plurality of data media*.

For at least the reasons state herein, Applicants respectfully assert that new independent claims 21 and 30 are patentable over any combination of the '063 patent and the '391 patent. Dependent claims 22 - 29 (which depend from independent claim 21) and dependent claims 31 - 35 (which depend from independent claim 30) are also patentable over the '063 patent and the '391 patent for at least the reason that they contain all of the limitations/features/elements of the corresponding independent claim. Accordingly, Applicants respectfully request that 21 - 35 be allowed.

### CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that pending claims 21 – 35 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



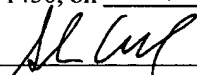
---

Adam E. Crall, Reg. No. 46,646

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**  
100 Galleria Parkway N.W., Suite 1750  
Atlanta, Georgia 30339  
(770) 933-9500

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on DECEMBER 29, 2003.



---

Signature